

October 11, 2018

Mr. Ford called the Special Meeting of the Union Township Planning Board/Board of Adjustment to order at 7:00 p.m.

Members Present: Mr. Mazza, Mr. Walchuk, Mr. Nace, Mr. Eschbach, Mr. Kastrud, Mr. Stothoff, Mr. Kirkpatrick, Mr. Ford

Members Absent: Mr. Neary, Mr. Sullivan

Others Present: Board Atty. Mark Anderson, Engineer Robert Clerico, Planner Andrea Malcolm, Geologist Eric DeRicco, Atty. William Mennen, Jeff Albanese, Robert Streker

Open Public Meetings Act Notice: I would like to have placed in the minutes that the Open Public Meeting Requirements of Law have been satisfied by our notices dated September 27, 2018, as published in the Hunterdon County Democrat and the Courier News. A copy of the Notice has also been posted on the Township Website, the Bulletin Board in the Municipal Building and a copy has been filed with the Municipal Clerk.

Master Plan Changes: The Board had discussed proposed changes to the Housing Element and Fair Share Plan at the September 27, 2018 meeting. Mr. Ford asked Board members for additional comments. There being none, Mr. Ford said the Board will make recommendations to the Township Committee at the October 25, 2018 Board meeting.

Issue of Completeness: V.A. Spatz & Sons Construction Inc. Block 22, Lot 5, 35 Frontage Road:

Preliminary and Final Site Plan: Mr. Ford asked Mr. Clerico to review his letter dated October 6, 2018. Mr. Clerico referenced Checklist Items that are incomplete and items for which temporary and permanent waivers could be granted. The Checklist Items include #'s 13, 18, 29, 42, 45, 51, 57, 59 and 60. Ms. Malcolm indicated that variances might be required. She also raised a concern about possible tree replacement. Mr. DeRicco had submitted a letter dated October 11, 2018 recommending the Board deem the Phase I Checklist complete and grant a permanent waiver from the Phase II checklist requirements of the geologic investigation and report requirements.

Motion: Mr. Eschbach made a motion to deem the application incomplete based upon Mr. Clerico's recommendations. Mr. Nace seconded the motion.

Vote: Ayes: Mr. Eschbach, Mr. Nace, Mr. Kastrud, Mr. Stothoff, Mr. Kirkpatrick, Mr. Ford

Tentative scheduling for the Hearing would be December 6, 2018. Completeness could be on the November 8, 2018 agenda.

Public Hearing: Quick Check Corporation: Block 22, Lots 39, 30 & 41, 170 & 172 Perryville Road:

Preliminary & Final Major Site Plan, Minor Subdivision, Use & Bulk Variance: Atty. William Mennen gave a brief overview of applicant's proposal. He said the proposed subdivision would create two lots

from the three existing lots, one would be for the proposed Quick Chek and the other would be residential. Atty. Mennen said those providing testimony are a Quick Chek Representative, a Professional Engineer, a Traffic Engineer and a Planner. Mr. Clerico said the Completeness Issue should be addressed prior to Professional Testimony. He recommended the application be deemed complete.

Mr. Ford asked for a motion.

Motion: Based upon Mr. Clerico's recommendation, Mr. Stothoff made a motion to deem the application complete. Mr. Nace seconded the motion.

Vote: All Ayes, No Nays, Motion Carried

Mr. Mennen asked Jeff Albanese, Quick Chek Real Estate Manager, to provide information about Quick Chek. Mr. Albanese was sworn by Atty. Anderson. He gave a brief history of Quick Chek. Mr. Albanese told the Board there are no franchises; Quick Chek owns and operates all stores. The subject property is leased by Quick Chek from the present owner. Mr. Albanese displayed an Exhibit (Marked A-1) showing the proposed 5,694 square-foot building that includes ten fueling pumps (five are low-flow diesel) and seating for 10 indoors and 8 outdoors. Fifty 10' x 20' parking spaces are proposed. He said food service is the key component of Quick Chek stores. Thirty-five to forty employees are proposed for the 24/7 operation. Mr. Albanese said that tractor-trailers would be making deliveries three to five times a week. Fuel may be delivered once a day.

Mr. Albanese displayed another Exhibit (Marked A-2). The Exhibit is a 3-D Colored rendering of the proposed building and driveway. Atty. Mennen said a question had been raised at an Informal about Quick Chek's amenability to accommodate emergency situations. Mr. Albanese said they are under contract to obtain generators. In response to a question from Mr. Kastrud, Mr. Albanese said Quick Chek would consider charging stations for electric vehicles. Ms. Malcolm had asked about a bicycle parking rack. Mr. Albanese said applicant would be agreeable. Mr. Ford asked about positioning of the building. Mr. Albanese said the architect would address comments from the Board in that regard. Mr. Clerico asked the criteria used to establish the size of the property. Mr. Albanese said the engineer would respond to that question. Mr. Kirkpatrick said the proposed lot lines were a self-created hardship and require variances. Ms. Malcolm asked the capacity of proposed fuel tanks, noting there is a limit of 10,000 gallons. Mr. Albanese said proposed are two 20,000 gallon tanks and two 12,000 gallon tanks (total 64,000 gallons).

Mr. Ford asked for questions from the Board. Mr. Kirkpatrick asked Mr. Albanese about his review of other fuel stations/convenience stores at the intersection. He said /Shell and Pilot were required to show they had a net decrease in impervious coverage and demonstrated there would be no decrease in levels of service at any intersection. Mr. Albanese said he had not reviewed those applications.

He indicated the traffic engineer would answer those questions. Mr. Kirkpatrick also said Pilot and Shell had requested variances for signs.

Mr. Ford asked for questions from the public for Mr. Albanese. Steve Perdue, 6 Deer Run, also owner of the Exxon Station, asked about the 64,000 gallon fuel capacity and the need for that amount. Mr. Albanese said that is Quick Chek's standard. He said the engineer would address the issue.

Deputy Mayor Mazza asked the number of proposed diesel pumps. Mr. Albanese explained that there are two of five MPDs where there is a diesel pump that are actually diesel components. Mr. Mazza also asked if a 53-foot tractor-trailer could get to a diesel pump. Mr. Albanese said the traffic engineer would address that issue. Regarding the proposed generator, Mr. Mazza had questions that Mr. Albanese would discuss with the contractor.

Angela Gatanis, 7 Everett Road, asked if a crime study had been done. Mr. Albanese said "No"; however Quick Chek provides 24/7 surveillance and security personnel that work closely with the State Police. Ms. Gtranis asked if a study had been done regarding the impact of the Middle School and Frontage Road. Mr. Albanese said the traffic engineer would talk about that matter.

Mr. Stothoff asked if the MPDs were limited to five, since there is space for six and if that was due to septic capacity. Mr. Albanese replied. "Five, totally". Mr. Stothoff also asked about the lot that is being subdivided. Mr. Albanese said there are no plans for that lot at this time.

Mr. Kirkpatrick referenced the number of proposed jobs and the relationship to COAH. Atty. Mennen said applicant's planner would testify in that regard.

Mr. Gatanis, 7 Everett Road, voiced a concern about the possibility of trucks parking at the subject property. Mr. Ford said that is an enforcement. Mr. Gatanis asked about entrance to the site. Mr. Albanese said entrances are proposed on both Frontage and Perryville Roads.

Mr. Ford announced there would be a recess (8:16 - 8:24 p.m.).

Atty. Mennen presented Engineer Robert Streker. Mr. Streker was sworn by Atty. Anderson and stated his credentials. Mr. Ford said the consensus of the Board was to accept them.

Mr. Streker displayed an Aerial Exhibit of the site depicting existing conditions of the site and surrounding properties. It was marked A-3.

Mr. Streker displayed a photo of the Bagelsmith taken from the intersection of Frontage and Perryville Roads. It was marked Exhibit A-4. Mr. Streker explained the Exhibit in detail.

Mr. Streker displayed two Exhibits marked A-5 and A-6. He said A-5 shows a view from the intersection of Perryville and Frontage Roads looking toward the subject property and showing how the building would appear to people on the roadway. A-6 is a view from Perryville Road of the southernmost driveway that is proposed for the property.

Mr. Streker said Quick Chek proposes a great deal of landscaping. He noted that Perryville Road is a signalized intersection. He also said Frontage Road is under NJDOT Jurisdiction and Perryville Road is under County Jurisdiction.

Two driveways are proposed on Perryville road. A new driveway is proposed on Frontage Road. Mr. Streker said applicant met with NJDOT about Frontage Road; however, a permit has not been submitted as of this date. Mr. Streker said Hunterdon County has conditionally approved the Perryville Road driveway configuration.

Mr. Streker reiterated the size of the proposed building and the amount of fuel storage. The frequencies of fuel deliveries were discussed. Seating and parking were mentioned. He provided testimony on the trash enclosure and loading area. Mr. Streker displayed an Exhibit that is a Cross Section (Sheet 1 of 2 prepared by Bohler Engineering, dated October 5, 2018). The Exhibit was marked Exhibit A-7. Mr. Streker also displayed an Exhibit Cross Section (Sheet 2 of 2 prepared by Bohler Engineering, dated October 5, 2018). It was marked A-8. Mr. Streker said A-7 shows elevations coming from Perryville Road back toward the residential house. He explained the grading and measures proposed because of slopes on the site. Mr. Streker said A-8 shows the grade change from Frontage Road and how applicant was able to maintain existing vegetation. He said applicant proposes more plantings, also installation of a 6-foot-tall fence.

Mr. Streker displayed another Exhibit (Colored Version of Sheet 29 from the original Bohler Plans). It was marked A-9. He said A-9 is the Earth Disturbance Plan that highlights regulated steep slopes. Mr. Streker said applicant needs relief from all the steep slope criteria. Hunterdon Soil Conservation District has certified the plans. Mr. Nace had a question about the driveway of the residential lot and water running into the parking lot of the proposed building. Mr. Streker explained measures proposed to address that issue. Mr. Streker also provided water quality measures and stated they meet NJDEP Standards. Mr. Kirkpatrick asked if the project would result in a net increase in volume discharge from the site. Mr. Streker replied "Yes". He also said impervious surface would increase. Mr. Kirkpatrick asked if groundwater recharge would be decreased and surface water discharge increased. Mr. Streker said "Yes", emphasizing applicant meets Standards identified by NJDEP and the Ordinance.

Mr. Streker said 1,118 new plants are proposed to provide buffering. Twenty-five 12-36 inch existing trees will be removed and replaced with twenty trees, as per the Ordinance. Mr. Kirkpatrick said the Ordinance for replacement is based on the basal area of the trees. Mr. Streker will review the letter from the Township Planner regarding compliance.

Mr. Streker gave an overview of proposed lighting. There will be 16-foot-tall poles and eighteen canopy lights using LED lights. Lighting is basically confined on the property. Waivers are required from the Lighting Code. Lighting underneath the canopy is compliant with IESNA. Mr. Kirkpatrick asked about light fixtures. Mr. Streker said they propose LED full cut-off fixtures mounted in the canopy. Mr. Kastrud asked "So there's no direct visual of the light?" Mr. Streker said that was correct.

Mr. Streker stated that applicant was not reducing overall impervious cover and variance relief was required. Mr. Kirkpatrick asked if applicant had examined the ultimate discharge point where storm water from the development would discharge and if the increase in volume would have a detrimental impact on an offsite stream. Mr. Streker said the answer was no. Mr. Kirkpatrick asked if Quick Chek would have any control over the proposed subdivided lot regarding addition of more impervious and building coverage. Mr. Streker did not know the answer nor did he know if that lot would be relied upon to demonstrate positive and negative criteria. He said the planner would address that issue.

Mr. Ford asked if the volume of runoff from the subdivided residential lot had been part of the overall calculations for the property. Mr. Streker said "Yes". Mr. Ford asked the effect volumes of water entering the Quick Check site would have if the residential property was built to maximum permitted standards without a variance. Mr. Streker said that applicant would have to treat the water prior to discharge onto Quick Check. Atty. Anderson voiced a concern about runoff from the residential lot too if the requirement for a variance is not met. Mr. Kirkpatrick asked if a quarter of an acre of new impervious lot would impact Quick Chek's storm water management system. Mr. Streker will check. Mr. Ford emphasized that would be a calculation the Board would want to see.

Mr. Streker addressed proposed signage. He described the signs that are larger than allowed by the Land Use Code; therefore, variances are required. Mr. Streker said signs at neighboring properties (Shell and Pilot) are larger than Ordinance Standards. Ms. Malsolm asked the percentage of building frontage the sign occupies. Mr. Streker said he did not know. He said four directional signs on site are proposed. One sign says Quick Chek and has a logo. Ms. Malcolm said directional signs are not supposed to have commercial language. Mr. Streker said there is a safety benefit to the language.

Mr. Clerico noted some additions to the plan submitted to the Board, i.e., trees in front of the façade.

Mr. Stothoff asked about the windows added on the Perryville side of the building. Mr. Streker said that question would be deferred to the architect.

Mr. Nace asked if the headroom underneath the canopy allowed for a tractor-trailer to pass through. Mr. Streker said "Yes, it does."

Mr. Kirkpatrick asked if the proposed signage was appropriate for commercial usage. Mr. Streker said it was typical. Mr. Kirkpatrick asked if for a highway or village situation? Mr. Streker said at an exit to an interstate.

Atty. Mennen asked for questions from the Board or the Public. Mr. Ford noted Mr. Eschbach had a question. Mr. Eschbach asked about signage/billboards on I-78. Mr. Streker said that was not planned. Mr. Kastrud said they could be added to the ones that are there. Atty. Mennen said Mr. Albanese could answer that question. Mr. Albanese indicated if they had an opportunity to get on the signs they would. Mr. Walchuk thought it would be a good idea to put a walkway for use of Elementary School Students traversing to and from the site. Mr. Albanese indicated the Corporation would consider the suggestion.

Mr. Ford asked for additional questions from the Board or Mr. Clerico.

Mr. Clerico asked about site grading and the amount and analysis of material to be removed from the site. Mr. Streker said approximately 46,000 cubic yards would be exported from the site and he estimated that would be 1,500 truckloads. He said the majority of material was fractured shale. Mr. Clerico asked if the pad site could be elevated higher so there would not be as much site disturbance. Mr. Streker noted the site with its slopes presents challenges. Mr. Clerico thought the design could be modified to accommodate existing conditions.

Mr. Clerico referenced circulation and noted that Ms. Malcolm had concerns about the loop driveway from the proposed subdivided residential lot through the Quick Chek site. Mr. Streker explained the reason for the loop driveway. Atty. Mennen understood that driveway was required for the Quick Chek use. Mr. Clerico said that given the constraints on the site it doesn't seem there is enough evidence for the loop. Atty. Mennen said Mr. Albanese indicated that Quick Chek would be willing to revisit that issue.

Mr. Kirkpatrick referenced the 1,500 dump trucks transporting fill and asked about a construction schedule, including the length of time for construction. Mr. Streker said "Maybe two months". He also said he thought the ultimate build-out of the store would address that issue. Mr. Streker said he understands the volume of traffic generated by customers at Quick Chek, if approved, would be more than the construction traffic. Atty. Mennen said that issue could be addressed at a preconstruction meeting with Mr. Clerico. Mr. Kirkpatrick said applicant may be on the threshold of operating as a quarry.

Mr. Stothoff told applicant it seemed they were fighting an uphill battle because they are not developing the entire site. He mentioned moving the building to the top of the hill. Mr. Kirkpatrick re-emphasized the self-imposed obstacles. Mr. Stothoff mentioned the orphaning of the residential lot and that evaluating the entire parcel from a development standpoint could ameliorate some of the Board's concerns. Mr. Streker indicated that would not be sustainable from applicant's standpoint. Mr. Clerico understood the issue was about using the whole property, including the orphan lot.

Mr. Kastrud referenced the lot size proposed for the store and thought more land might be in order to substantiate the intensity of Quick Chek. He also voiced a concern about the access drive to the orphan lot. He thought the access to that lot could be revisited.

Mr. Ford announced that the Hearing would end at 10:00 p.m.

Atty. Mennen said his client heard the comments regarding the loop road and the subdivision and agreed to revisit both issues before reappearing at the Public Hearing.

Mr. Kirkpatrick said the Master Plan envisions the area as village commercial, smaller size buildings, more green space and less impervious surface and reminded applicant to keep that in mind.

Mr. Ford asked for questions from the Public. Steve Perdue, 6 Deer Run, asked the purview of the septic, Hunterdon county or NJDEP. Mr. Streker said a consultant designed the septic plan. The septic field is going on the plan but details are not provided. Mr. Perdue asked if testimony to the design would be provided. Atty. Mennen and Mr. Streker said that could be done. Mr. Perdue asked about septic calculations. Mr. Kirkpatrick said a septic designer should provide that information. Atty. Mennen said applicant could do that.

Deputy Mayor Mazza referenced Exhibit A-8. He had a question about traffic flow around the fuel pumps. Mr. Streker indicated there was adequate space for vehicular movement.

Mr. Clerico asked if the proposed layout was typical of Quick Chek facilities. Mr. Streker said "The way Quick Chek does it, yes".

Deputy Mayor Mazza referenced traffic flow once more. Mr. Streker indicated the proposal to have vehicles accessing from either side of the fuel pumps is typical for gas facilities.

Mr. Stothoff asked how this Quick Chek compares to the one at the Somerville Circle. Mr. Streker said Mr. Albanese could answer that directly. Mr. Ford said that could be addressed at the next hearing. Mr. Ford asked about a rescheduling date. Atty. Mennen said they would like to come back in November. However, it would be difficult to provide submissions in time for November 8, 2018; thereupon he asked to carry the case with no new notice to December 6, 2018.

Mr. Clerico asked for more details as to what would be submitted. Atty. Mennen said they would provide something as detailed as what has been shown at this point. Mr. Kastrud asked about the possibility of applicant submitting an engineered concept plan. Mr. Clerico said it would be an inefficient use of escrow monies for professionals to do another detailed review. Mr. Kastrud concurred.

Motion: Mr. Kirkpatrick made a motion to carry the Hearing until December 6, 2018. Mr. Eschbach seconded the motion.

Vote: All Ayes, No Nays, Motion Carried.

Motion to Adjourn: Mr Stothoff made the motion. Mr. Kirkpatrick seconded the motion. (10:03 p.m.)

Vote: All Ayes, No Nays, Motion Carried.

Grace A. Kocher, Secretary

